

CHAPTER 87.

UNDESIRABLE BRITISH SUBJECTS CONTROL.

ARRANGEMENT OF SECTIONS.

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SCHEDULE.

CHAPTER 87.

UNDESIRABLE BRITISH SUBJECTS CONTROL.

An Ordinance to Control the Movements of Undesirable British Subjects and for similar purposes.

25 of 1939.
18 of 1940.
10 of 1956.

[1ST JULY, 1939.]

1. This Ordinance may be cited as the Undesirable British Subjects Control Ordinance and shall apply to the Colony and Protectorate.

Short title
and
application.

2. (1) In this Ordinance, unless the context otherwise requires—

Interpreta-
tion.

10 of 1956.

“ British subject ” includes a British protected person who is a native of Sierra Leone ;

“ Trust territory ” means a territory administered by the Government of any part of Her Majesty’s dominions under the trusteeship system of the United Nations;

“ deportation order ” means an order requiring the person in respect of whom it is made to leave and remain out of Sierra Leone;

“ restriction order ” means an order prohibiting the person in respect of whom it is made from entering or from leaving an area within Sierra Leone without the consent of the officer specified in the Order;

“ security order ” means an order requiring the person in respect of whom it is made to give security in two or more solvent sureties in such amount and for such time as may be therein specified to keep the peace and to be of good behaviour, or for indemnifying public funds for all costs, charges and expenses incurred in his regard, or for both such purposes, as may be appropriate in the case;

“ person charged ” means a person in respect of whom it is alleged that there are grounds for making a deportation order or restriction order or security order under this Ordinance and includes a person in respect of whom such an order has been made;

“ Judge ” means a Judge of the Supreme Court;

“ convicted person ” means a person in respect of whom any Court certifies to the Governor that he has been convicted, either by that Court or by any inferior Court from which his case has been brought by way of appeal, of any offence punishable with imprisonment otherwise than only in default of payment of a fine;

“ undesirable person ” means a person who is or has been conducting himself so as to be dangerous to peace, good order, good government, or public morals;

“ destitute person ” means a person who is, or is likely to be, a charge upon public funds by reason of mental or bodily health or insufficiency of means to support himself and his dependants (if any);

“ prohibited immigrant ” means any person who has entered Sierra Leone contrary to the provisions of any Ordinance being in force relating to the restriction of immigration, but in the opinion of the Court by which he has been convicted of so doing, or of the Governor in Council,

did not thereby infringe the provisions of such Ordinance wilfully.

(2) This Ordinance shall have effect in relation to citizens of the Republic of Ireland who are not British subjects in like manner as it has effect in relation to British subjects. 10 of 1956.

(3) For the purposes of this Ordinance a person shall be deemed to belong to Sierra Leone, if he or she is a British subject and—

(a) was born in Sierra Leone or of parents who at the time of his or her birth were domiciled or ordinarily resident in Sierra Leone; or

(b) has been ordinarily resident in Sierra Leone continuously for a period of seven years or more and since the completion of such period of residence has not been ordinarily resident continuously for a period of seven years or more in any other part of Her Majesty's dominions or in India or in Pakistan or in the Republic of Ireland or in any other territory under Her Majesty's protection or in any trust territory or in South West Africa; or 10 of 1956.

(c) obtained the status of a British subject by reason of the grant by the Governor of a certificate of naturalisation under the British Nationality and Status of Aliens Act, 1914, or the British Nationality Act, 1948, or the Aliens Naturalisation and Acquisition of Property Ordinance; or Cap. 84.

(d) is the wife of a person to whom any of the foregoing paragraphs applies not living apart from such person under a decree of a competent court or a deed of separation; or

(e) is a child, stepchild or adopted child having been adopted in a manner recognised by law, under the age of eighteen years, of a person to whom any of the foregoing paragraphs applies.

(4) For the purposes of this Ordinance a person shall be deemed an immigrant British subject if he is a British subject at the date of the service upon him of a notice under section 7 of this Ordinance, or, in the case of a convicted person, at the date upon which he is charged with the offence and either he has been ordinarily resident in Sierra Leone immediately before that date for less than—

(a) in the case of a prohibited immigrant, a period of three months;

(b) in the case of a convicted person other than a person who is a convicted person solely by reason of his being a

prohibited immigrant or of an undesirable person, a period of two years; and

(c) in the case of a destitute person, a period of one year; or the Secretary of State shall have approved of the making of a deportation order against him before it is made:

Provided that in determining whether any person is an immigrant British subject, any period during which a deportation order, a restriction order or a security order made under this Ordinance has been in force as respects that person shall not be taken into account.

Power to
make
deportation
orders.

3. Subject to the provisions of this Ordinance, the Governor in Council may, if he thinks fit, make a deportation order in respect of an immigrant British subject who does not belong to Sierra Leone and who is—

(a) a convicted person in respect of whom the Court certifying to the Governor that he has been convicted recommends that a deportation order should be made in his case, either in addition to or in lieu of sentence; or

(b) an undesirable person; or

(c) a destitute person; or

(d) a prohibited immigrant.

Power to
make
restriction
orders.

4. Subject to the provisions of this Ordinance, the Governor in Council may, if he thinks fit, make a restriction order in respect of any British subject who is—

(a) a convicted person in respect of whom the Court certifying to the Governor that he has been convicted recommends that a deportation order or a restriction order should be made in his case, either in addition to or in lieu of sentence; or

(b) an undesirable person.

Power to
make
security
orders.

5. (1) Subject to the provisions of this Ordinance, the Governor in Council may, if he thinks fit, make a security order in respect of any British subject who is—

(a) a convicted person in respect of whom the Court certifying to the Governor that he has been convicted recommends that a deportation order or a restriction order or a security order in conjunction with either of those orders should be made in his case, either in addition to or in lieu of sentence; or

(b) an undesirable person;

or in the case of an immigrant British subject who does not belong to Sierra Leone;

(c) a destitute person; or

(d) a prohibited immigrant.

(2) Where a security order is made as aforesaid, a deportation order or a restriction order, as in the case may be lawful and desirable, shall be made in conjunction therewith to come into force upon default of compliance with the security order within a time therein fixed but not otherwise.

(3) Where a security order has been complied with, the order shall, for the purposes of this Ordinance, be deemed to remain in force so long as the security given thereunder subsists, and where a security order is revoked the said security shall cease to have effect.

6. Except where a Court has in accordance with the provisions of this Ordinance given a certificate recommending that an order should be made, no deportation order, restriction order or security order shall be made under this Ordinance except where a Judge has, in accordance with the provisions of the next following two sections, made a report on the case and the Governor in Council is satisfied, having regard to the findings of fact and any conclusions of law as stated in the report, that such order may lawfully be made.

Procedure for
making
orders.

7. (1) A notice signed by the Attorney General or the Commissioner of Police shall be served upon the person charged specifying, with sufficient particulars to give him reasonable information as to the nature of the facts alleged against him, the grounds upon which it is alleged that an order may be made against him under this Ordinance, and requiring him to show cause, before a Judge in chambers at a time to be stated in the notice, why such order should not be made in respect of him.

Service of
notice and
arrest.

(2) In the case where it is proposed that a deportation order should be made but such order cannot be made without the approval of the Secretary of State, the notice shall contain information to that effect.

(3) In any case where it is intended to take proceedings against any person under this Ordinance on the ground that he is an undesirable person, and it is represented on oath or affidavit to a Judge in chambers that that person is an undesirable person, the Judge may issue a warrant for his arrest, and if the notice mentioned in sub-section (1) of this